

1900-036 Chancery Causes: Henry Nicoll vs. Augusta Nicoll  
Lee Co

Wilson

CA-Divorce



To the Hon. H. A. W. Sheen, Judge of the Circuit  
Court of Lee County, Virginia.

Your orator, Henry Nicoll, complaining, sheweth  
unto the Court: That she is now, and has been a  
Citizen of the this State for more than twelve months  
next preceding the institution of this suit; that  
on the day of 18, he was married to  
Augusta Nicoll, that since that time, until the  
time of the commission of the grievances hereinafter  
mentioned he was ever a kind, loving and indulgent  
husband, and that during all which time he gave to  
her no good or just-cause to be dissatisfied with  
the home he had provided for her, yet notwith-  
standing your orators kindness and indulgence to her,  
she so grossly disregarded the duties of a faithful wife,  
that on the day of 189 - she wilfully  
deserted and abandoned your orator; and your  
orator avers that she the said Augusta Nicoll  
has wilfully deserted and abandoned him  
her said husband for three years and longer,  
and that without your orators consent or connivance.

In consideration whereof, and forasmuch as your  
orator is remediless save in a Court of equity, he  
prays that the said Augusta Nicoll be made a defendant  
to this bill and, be required to answer the same,  
but not on oath, that being hereby waived; that proper  
process issue, and all proper orders be made; that your  
orator be granted a divorce a vinculo matrimonii,  
from the said Augusta Nicoll; and that all such other  
further and general relief may be afforded your orator, as  
may be just and right in the premises, and your orator  
will ever pray, etc.

J. C. Noel p. q.



Plffs Costs  
Clerk 2.81  
Tax 1.50  
Printers 5.00  
att'y 15.00  
\$24.31

Henry Nicoll  
vs. Bill on Chancery  
Augusta Nicoll

1900 1st May Rules Bill  
filed & pa not executed  
2nd May Rules Cont'd  
for O.P. to Complete  
1st June Rules taken  
the last Monday in  
May O.P. Complete  
& Cause set for  
hearing

June Term 1900 Secured  
final see Chcy O.P.  
No 6 Page 378

Plffs Costs  
Clerk 4.31  
Printer 5.00  
\$9.31

90 to 00  
N.



Henry Nicoll }  
vs } In Chancery.  
Augusta Nicol }

This cause came on this the  
& day of June 1900, to be heard  
upon the plaintiffs bill and the  
depositions filed therewith, <sup>and ~~offers~~ argued by counsel</sup> and  
it appearing that the defendant had  
had notice required by law, and  
the defendant not appearing to answer  
or demur, and it appearing to the  
court ~~from~~ the evidence that the  
plaintiff hath good and sufficient cause  
for the aid of a court of equity, it is  
therefore adjudged ordered and decreed  
that the bonds of matrimony heretofore  
contracted and up to this time existing,  
~~doe~~ and is hereby dissolved and  
annulled, and ~~this~~ this cause is  
ordered to be stricken from the  
docket.



Henry Nicoll  
vs J. Deere  
Augusta Nicoll

Emble  
H. A. W. Stearn  
9/8/170

Eng-on C. B. No 6  
p 398.



The depositions of H. K. Wilson  
and Henry Nicoll  
taken before me, L. E. Cook a  
Notary Public for the County of Lee  
in the Town of Jonesville in said  
County, <sup>at the Puffe Hotel</sup> on the 8 day day of June 1908  
to be read in evidence in behalf  
of Henry Nicoll the plaintiff in a  
certain suit depending in the circuit  
Court of Lee County, wherein the said  
Henry Nicoll is plaintiff, and Augusta  
Nicoll is defendant.

Present J. C. Noel Counsel for Plff.  
H. K. Wilson, a witness of lawful age  
being duly sworn deposes and says:  
I am acquainted with the plaintiff  
and defendants in this case. I have  
known the plaintiff for several years.  
He is a citizen of this county, and  
has been such for several years prior  
to the institution of this suit.

The defendant <sup>willfully</sup> abandoned, and deserted  
the plaintiff something of three years  
ago, and the said desertion has continued  
more than three years. She the defendant  
has not lived with said plaintiff since  
said desertion and abandonment. She left  
the home of the said plaintiff on the



day of 1896, and has  
resided so I am informed in the State  
of Ohio, while the said plaintiff has  
resided during all that time in Lee  
County Virginia.

And further this deponent says  
not.

J. K. Wilson

Henry Nicoll an other witness  
of lawful age being duly sworn  
deposes and says:

I am the plaintiff in this  
cause. I was married to the  
defendant - Augusta Nicoll in  
the year 1880, and the defendant  
and I lived together as man and  
wife until the year 1896, in 1896  
she abandoned my home wilfully  
without any cause or provocation.  
And I have not seen her since,  
that time, nor have I cohabited with  
her since she deserted me.

Henry Nicoll

I C. E. Cook, a notary public for  
the County of Lee, in the State of  
Virginia do hereby certify that



the foregoing depositions of F. R.  
Wilson and Henry Nicoll were duly  
taken, sworn to and subscribed before  
me at the place named therein and  
in the caption thereto. In witness  
whereof I have hereto set my hand  
and seal, on this the 8 day of June  
1900.

W. C. Leach N. P. Seal



Henry McCall  
vs { Depositions  
Augusta McCall



Virginia Lee County Court:  
I, Henry Nicoll do solemnly swear  
that Augusta Nicoll, the defendant to a  
suit in bankruptcy filed this day by me  
in the Circuit Court of said County, is  
not a resident of this State.  
Henry Nicoll

Sworn to before me in my county  
aforesaid this 28 day April 1900.  
W. J. Orr J. P.



Henry Nicoll  
vs } affi for Ord Pub  
Augusta Nicoll

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Filed Apr 30<sup>th</sup> 1900  
A. B. Munsey Clerk



VIRGINIA:--In the Clerk's Office of the Circuit Court of the County of Lee  
on the 30<sup>th</sup> day of April 1900 ~~189~~.

Against

Henry Nicoll

Plaintiff

Augusta Nicoll

Defendant

In Chancery

The object of this suit is to obtain a decree dissolving the bonds of  
matrimony heretofore contracted and now existing between  
the plaintiff and the defendant

And an affidavit having been made and filed that the defendant Augusta Nicoll

is <sup>a</sup> not resident of the State of Virginia, it is ordered that she do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further  
ordered that a copy hereof be published once a week for four weeks in the South West Virginian  
and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the  
county court.

A copy—Teste:

J. L. Noel

P. O.

A. B. Munsey

Clerk.



Henry Nicoll

AGAINST

ORDER  
OF  
PUBLICATION.

Augusta Nicoll

J. L. Noel

P. Q.

Virginia Lee Co to wit.  
I A B Munsey Clerk  
of the Circuit Court  
for Lee County Va. do  
hereby Certify that I  
posted a copy of the  
order of publication  
at the front door  
of the Court-house  
of Lee County on the  
first day of the May  
term of County Court  
for said County this  
the 22<sup>nd</sup> day of May  
1900.

A B Munsey  
Clerk



CERTIFICATE OF  
ORDER OF PUBLICATION.

I, A. M. Goins, Editor of the **SOUTH-  
WEST VIRGINIAN**, a weekly newspa-  
per published at Jonesville, Lee County,  
Va., do hereby certify that the annex-  
ed notice was published in said paper  
once a week for four successive weeks,  
commencing on the 3<sup>rd</sup> day of  
May, 1900.  
\_\_\_\_\_, EDITOR.

FEE, \$ 5.00

**VIRGINIA**—In the Clerk's Office of the  
Circuit Court of the County of Lee on  
the 30th day of April 1900.

HENRY NICOLL, Plaintiff. }  
  against } In Chance'y  
AUGUSTA NICOLL, D'ft. }

The object of this suit is to obtain a de-  
cree dissolving the bonds of matrimony  
heretofore contracted and now existing be-  
tween the plaintiff and the defendant.

And an affidavit having been made and  
filed that the defendant, Augusta Nicoll,  
is not a resident of the State of Virginia,  
it is ordered that she do appear here within  
fifteen days after due publication hereof.  
and do what may be necessary to protect  
her interest in this suit. And it is further  
ordered that a copy hereof be published  
once a week for four weeks in the South-  
west Virginian, and that a copy be posted  
at the front door of the court-house of  
this county on the first day of the next  
term of the county court. A copy—Teste:

A. B. MUNSEY, Clerk.

J. C. Noel, p. q.      5-3-00 — 4t.



ORDER OF PUBLICATION.

Henry Nicoll

VS.

IN CHANCERY.

Augusta Nicoll

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FEE \$5<sup>00</sup>